



AF/3683
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[10191/2172]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Ian FAYE
Serial No. : 10/034,573
Filed : December 28, 2001
For : SYSTEM AND METHOD FOR HANDLING ROBLOVERS
Art Unit : 3683
Examiner : X. Nguyen
Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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GROUP 3600

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Mail Stop Non-Fee Amendment
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 12/18/03

Signature: Patricia F. Fink

AMENDMENT TRANSMITTAL

SIR:

Enclosed please find a Response for filing in the above-identified patent application.

Applicant requests a one month extension of time to respond to the Office Action dated August 25, 2003, resetting the response date to December 26, 2003 (December 25, 2003 the Patent Office is closed). The extension fee of \$110.00 and any additional fees should be charged to Kenyon & Kenyon, Deposit Account No. 11-0600. A duplicate copy of this transmittal letter is enclosed for that purpose.

12/24/2003 SZEWDIE1 00000050 110600 10034573
01 FC:1251 110.00 DA

Respectfully submitted,

KENYON & KENYON

By: *Richard L. Mayer*
B3 N635,952

Dated: 12/18/03

By:

Richard L. Mayer
Reg. No. 22,490

One Broadway
New York, NY 10004
(212) 425-7200
Customer No. 26646



[10191/2172]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Ian FAYE

Serial No. : 10/034,573

Filed : December 28, 2001

For : SYSTEM AND METHOD FOR AVOIDING ROLLOVERS

Art Unit : 3683

Examiner : X. Nguyen

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 12/18/03

Signature: Cathleen Egan

RESPONSE

SIR:

In response to the Office Action dated August 25, 2003, reconsideration and allowance of the above-referenced application are respectfully requested in view of the remarks below.

Remarks

Claims 1-10, 12-21, and 23-26 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claims 1-5, 8-10, 23, and 25 stand rejected under 35 U.S.C. § 102(a) as being anticipated by German Published Patent Application No. 198 54 463 ("the '463 reference"). In the prior Amendment, Applicant asserted that the Examiner did not demonstrate how the '463 reference teaches the limitation "the first arrangement to reduce the braking force is activated as a function of a slip at a front wheel." In the current Office Action, the Examiner responds by stating that any transverse vehicle rollover occurring on a hill as a result of braking must involve some wheel slippage. Even if this statement is true as a matter of

physics, it misses the point of Applicant's argument, which is that the present invention uses the presence of a wheel slippage to activate the arrangement for reducing the braking force. Whether a wheel slippage is present during a rollover is not the same issue as whether a vehicle apparatus uses such a slippage to activate a braking force reduction arrangement. Indeed, one may argue that the '463 rejects the use of a wheel slippage as the basis to activate its brake reduction operation. Specifically, at page 7, lines 8-12, of the translation of this reference, which was supplied with the prior Amendment, the reference states the following: "When an antilock brake system is installed, vehicle reference speed V_x is available in any case for ascertaining wheel slippage, so that only differentiation of the reference speed, which is numerically easily executed, has to be carried out to obtain vehicle deceleration." According to this quoted statement, the system of the '463 reference is not interested, nor does it use, any signal representing a detection of wheel slippage; instead, the system of the '463 reference is interested only in the detected vehicle speed that the antilock brake system uses to detect wheel slippage. The system of the '463 reference uses the vehicle speed detected by the antilock brake system to calculate vehicle deceleration. The system of the '463 reference then determines the extent to which this deceleration deviates from a reference deceleration; on the basis of this deviation is the braking force reduction of the '463 reference performed. As the Examiner can appreciate, the system of the '463 reference reduces the braking force according to this deviation, and not as a function of the wheel slippage that was available to it through the antilock brake system that is also on board the vehicle of the '463 reference. Indeed, one could even characterize this reference as teaching away from the use of wheel slippage to activate a braking force reduction arrangement because the inventors were aware of the ability of the antilock brake system to detect wheel slippage, yet chose not to use this particular output of the antilock brake system in its rollover protection system. Thus, in view of this discussion, withdrawal of the rejection of claims 1 and 12 is respectfully requested.

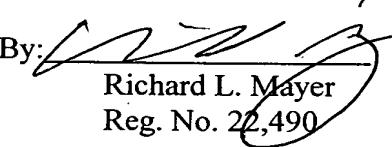
As for the other claims, all of which depend from either claims 1 or 12 and have been rejected based on the '463 reference based on either anticipation or obviousness, Applicants submit that these claims are patentable for at least the reasons given above.

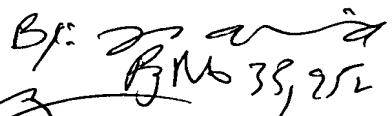
It is respectfully submitted that the subject matter of the present application is new, non-obvious, and useful. Prompt consideration and allowance of the application are respectfully requested.

Respectfully submitted,

Dated: 12/18/03

By:


Richard L. Mayer
Reg. No. 22,490


Bf: 
RJM 38,252

KENYON & KENYON
One Broadway
New York, NY 10004
(212) 425-7200